

1 SCOTT N. SCHOOLS (SCSBN 9990)  
United States Attorney  
2 Northern District of California  
JOANN SWANSON (CSBN 88143)  
3 Chief, Civil Division  
CHARLES M. O'CONNOR (CSBN 56320)  
4 Assistant United States Attorney  
450 Golden Gate Avenue, 9<sup>th</sup> Floor  
5 San Francisco, CA 94102-3495  
Telephone: (415) 436-7200  
6 Facsimile: (415) 436-6748

7 Attorneys for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA, ) CIVIL NO: C 06-1304 SBA  
12 Plaintiff, )  
13 v. )  
14 CHRISTOPHER MURAD, ALLAN )  
15 BOTTARINI, CAROLE BOTTARINI, )  
ET AL., )  
16 Defendants. )  
17 \_\_\_\_\_)

**WRIT OF ASSITANCE**

18 TO THE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA,

19 GREETINGS:

20 This matter was set for hearing on September 18, 2007. No opposition was filed by the  
21 defendants, and therefore under the Local Rules of the Northern District of California and this  
22 Court's standing orders, may be treated as unopposed. Accordingly, the defendants, Alan  
23 Bottarini and Carole Bottarini (the "Bottarinis" or "Defendants"), having been, by order of the  
24 Court on the 22<sup>nd</sup> day of February, 2007 ("Order"), commanded to deliver possession to the  
25 United States of America of the premises therein described, to wit:

26 Site 81, Pleasure Cover Resort  
Lake Berryessa, Napa County, California

27 and proof having been made by affidavit of refusal or neglect by the Bottarinis to obey said  
28 Order:

1 NOW THEREFORE, you are hereby commanded that, immediately after the reception of  
2 this writ, you are to enter the aforesaid premises, Site 81 in Pleasure Cove resort, Lake  
3 Berryessa,

4 Napa County, California (the "Property"), and take all necessary steps to put the United States in  
5 possession by doing the following:

- 6 1) Remove Alan Bottarini and Carole Bottarini from the Property, and thereafter  
immediately secure the Property for the benefit of the United States;
- 7 2) Remove any personal property remaining on the Property after the departure (or removal)  
of the Bottarinis, including but not limited to travel trailers, mobile homes, decks, sheds,  
and any other items of any description;
- 8 3) At his discretion, the U.S. Marshal may either (a) immediately dispose of the mobile  
home and any personal property removed under paragraph 2), above, from the Property,  
including disposal in appropriate debris or garbage containers; or (b) store the mobile  
home and such personal property for sale under paragraph 4), below;
- 9 4) The U.S. Marshal may sell or otherwise dispose of the mobile home and any personal  
property taken from the Property. Any sale shall be conducted pursuant to 28 U.S.C. §§  
10 2001 and 2004, including by private sale. If the U.S. Marshal later determines that the  
mobile home and/or certain personal property that has been stored cannot be sold, he may  
abandon it; and
- 11 5) Clean or contract for the clean up of the Property.

12 In addition, the Bottarinis shall reimburse the United States and the U.S. Marshal's Service  
13 for the following, as allowed under 28 U.S.C. § 1921, or any other provision of law:

- 14 1) All costs and fees incurred in connection with the removal of Alan and/or Carole  
Bottarini from the Property;
- 15 2) All costs and fees incurred in connection with the removal of any personal property taken  
from the Property, including but not limited to travel trailers, mobile homes, decks,  
sheds;

16 **WRIT OF ASSISTANCE**

17 **U.S. v. Murad, Botarini C 06-1304 SBA**

1       3) All costs and fees associated with any sale of the mobile home or other personal property  
2            taken from the Property;

3       //

4       //

5       4) All costs associated with the removal of debris and trash and overall clean-up of the  
6            Property;  
7       5) All costs and attorneys fees associated with this motion to obtain a writ of assistance.

8  
9       Dated: September 11, 2007

  
\_\_\_\_\_  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**WRIT OF ASSISTANCE**

**U.S. v. Murad, Botarini C 06-1304 SBA**